



UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Jack PIERCE
 SSN: XXX-XX-8447
 DOB: XX/XX/1989

Case No. 23-MJ-1160

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 10, 2023 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC § 751

Escape

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Deputy Tyler K. Foster, USMS

Printed name and title

Telephonically sworn and electronically signed.

7/21/2023

Date:

Judge's signature

City and state: Albuquerque, New Mexico

Hon. B. Paul Briones, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A ARREST WARRANT**

I, Tyler K Foster, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Deputy United States Marshal with the United States Marshal Service (USMS) and have been since July 19, 2022. I have received and completed training at the Federal Law Enforcement Training Academy (FLETC) as a criminal investigator. During my tenure with the U.S. Marshals Service, I have investigated and assisted in the apprehension of Federal, State, and local fugitives to include but not limited to sex offenders, gang members, violent repeat offenders, and those with extensive criminal history. Some of these investigations have required me to submit court orders and/or affidavits to further investigations on such fugitives.

2. Prior to my time with the USMS, I spent four years working as a United States Border Patrol (USBP) Agent in Tucson, Arizona. During my time as a USBP Agent, I served in various assignments where I developed investigative and law enforcement skills. During this period, I interdicted, arrested, and prosecuted numerous members of Transnational Criminal Organizations as a Border Patrol Agent and as a member of the Sonoita Border Patrol Station Intelligence Unit.

3. During this time, I served as the primary case agent in complex criminal investigations and prepared detailed legal reports and affidavits. In addition, I was able to identify and recruit confidential informants; serve federal warrants; collect and disseminate intelligence; and serve as a liaison with other agencies / law enforcement partners. As a result, I have been responsible for presenting over three hundred successfully prosecuted human and narcotic smuggling cases to the United States Attorney's Office.

4. The facts in this affidavit come from my personal observations, and my review of United States District Court records, official BOP records and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

5. Based on the facts set forth in this affidavit, there is probable cause to believe that on or about July 10, 2023, PIERCE knowingly escaped from the custody of the Federal Bureau of Prisons (BOP) in which he was confined by the direction of a United States Judge. These actions taken by PIERCE have therefore caused him to violate 18 U.S.C. § 751(a).

PROBABLE CAUSE

6. On December 6, 2016, Jack PIERCE entered into a Rule 11(c)(1)(C) plea agreement in which he agreed to plead guilty to a one-count information charging him with Possession of an Unregistered Firearm, in violation of 26 U.S.C. § 5861(d) and 5871.

7. On April 27, 2017, Jack PIERCE appeared and was sentenced before a United States District Court Judge, within the District of New Mexico. PIERCE was committed to the custody of the Federal Bureau of Prisons (BOP) for a term of 120 months (10 years), to run concurrent to the sentences imposed in three unrelated New Mexico state cases. PIERCE was also set to serve a term of three years on Supervised Release following his release from BOP custody.

8. The Federal Bureau of Prisons (BOP) is part of the United States Department of Justice, which is headed by the United States Attorney General.

9. On June 28, 2023, PIERCE was placed at the Dismas Charities Diersen Residential Reentry Center (Diersen RRC) located at 2331 Menaul Blvd NE, Albuquerque, NM by the BOP to serve the last 180 days of his BOP custodial sentence. Upon intake, PIERCE

signed the Acknowledgement of Custody form that states “I understand that I am in the custody of the Attorney General of the United States. I further understand that leaving the RRC without permission of the Center Director or his/her authorized representative, shall be deemed an escape from the custody of the Attorney General.”.

10. On July 10, 2023, PIERCE, was issued a job search pass and was due to return to Diersen RRC at 3:30 PM. PIERCE did not return at the scheduled time and at 4:07 PM, Diersen RRC staff contacted PIERCE’s listed emergency contact, who informed Diersen RRC that she was currently at work and had no idea where PIERCE was at. Diersen RRC then proceeded to contact local jails and hospitals in an attempt to locate PIERCE. These endeavors yielded negative results. At that time, PIERCE did not have any authorization to depart Diersen RRC from either the BOP, Diersen RRC staff, nor United States Probation.

11. On July 10, 2023, at approximately 5:05 PM, a Notice of Escaped Federal Prisoner flyer was issued to the United States Marshal Service (USMS) to begin looking for PIERCE. The escape flyer listed PIERCE’s biographical information and was caveated with the fact that PIERCE was consider dangerous and had a history of violent behavior. Per an existing Memorandum of Understanding, the USMS is authorized to enter BOP escapees into the National Crime Information Center (NCIC) and conduct fugitive investigations to locate and apprehend BOP escapees. On July 10, 2023, PIERCE was entered into NCIC as an escapee, with the intended purpose to locate and apprehend PIERCE.

12. On July 12, 2023, I was assigned to assist with the location and arrest of PIERCE.


13. On July 12, 2023, I contacted United States Probation Officer (USPO) Lisa Romero, who oversaw supervising PIERCE. USPO Romero stated that she was concerned for PIERCE’s wellbeing and that PIERCE was currently contacting Witness 1, whose name is not

included here to protect the witness's identity, using random telephone numbers. Later that day, USPO Romero shared alarming information that PIERCE messaged, and audio called Witness 1 through the Facebook Messenger account for "Roy Sanchez". In these messages and audio calls, PIERCE makes the statements "Call me asap I love you I'm almost to your house" and "I have gunnswill shot marshalls".

14. On July 14, 2023, I, along with members of the Southwest Investigative Fugitive Team (SWIFT) located PIERCE and arrested him during a felony traffic stop. PIERCE was taken into custody and then transported to the Pete V. Domenici United States Courthouse.

15. Based upon these facts, I have probable cause to believe that Jack PIERCE did knowingly and willfully escape from the custody of the United States Attorney General, or an authorized representative, institution or facility in which he was confined by direction of the Attorney General, in violation of 18 U.S.C. § 751.

Respectfully submitted,


Tyler K. Foster
Deputy United States Marshal
District of New Mexico - Albuquerque
United States Marshal Service

Electronically signed and telephonically sworn on July 21, 2023


Honorable B. Paul Briones
UNITED STATES MAGISTRATE JUDGE